

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

DECISION AND ORDER

21-CR-6010L

v.

FREDERICK B. YOUNG,

Defendant.

Defendant Frederick B. Young (“Young”) is charged in a one-count Indictment with failing to register as a sex offender, in violation of 18 U.S.C. § 2250(a). Young’s prior attorney filed a motion pursuant to 18 U.S.C. § 4241 to determine whether Young is competent to stand trial.

The motion and proceedings related to it were referred to United States Magistrate Judge Marian W. Payson. Magistrate Judge Payson ordered that Young be examined by psychiatrist Rory P. Houghtalen, and report as to whether Young was competent to stand trial. His report would provide an opinion as to whether Young understood the proceedings against him and could assist counsel properly in his defense. Dr. Houghtalen met several times with Young and submitted his written report, dated November 26, 2021 (Dkt. #50). Magistrate Judge Payson then held a competency hearing on two dates: January 7, 2022 and February 25, 2022. Dr. Houghtalen and Young testified at the hearings and Dr. Houghtalen submitted a supplemental written report after the final hearing date.

Magistrate Judge Payson has issued a thorough Amended Report and Recommendation (Dkt. #74). That 10-page Amended Report and Recommendation sets forth in detail the

procedural history of the case, the report and testimony of Dr. Houghtalen, as well as Judge Payson's several observations of Young's conduct in court. Judge Payson concluded in the Report and Recommendation that Young be found currently incompetent to stand trial. The Government agrees with that determination. Defense counsel, the second one appointed to represent Young, filed a general objection on behalf of Young to the Magistrate Judge's Amended Report and Recommendation.

I have reviewed Magistrate Judge Payson's thorough Amended Report and Recommendation, as well as Dr. Houghtalen's report concluding that Young is not at this time competent to stand trial. I credit Magistrate Judge Payson's personal observations of Young's behavior in court which are consistent with the opinion and finding of Dr. Houghtalen.

I accept and adopt the Amended Report and Recommendation of Magistrate Judge Payson that the defendant, Frederick B. Young, is now incompetent to stand trial and to assist counsel in his defense. I agree with the Amended Report and Recommendation that Young is suffering from a mental disease or defect that renders him unable to assist properly in his defense.

THEREFORE, having adopted the Amended Report and Recommendation, I too conclude by preponderance that defendant, Frederick B. Young, is not competent to stand trial at this time.

THEREFORE, for all the reasons set forth in Magistrate Judge Payson's Amended Report and Recommendation, this Court determines that defendant, Frederick B. Young, is not competent to stand trial and further

ORDERS, that defendant, Frederick B. Young, be committed to the custody of the Attorney General for a reasonable period, not to exceed four (4) months, to determine whether there is a

substantial probability that in the foreseeable future he will obtain the capacity and competency to permit the criminal proceedings to go forward. 18 U.S.C. § 4241(d)(1).¹

IT IS SO ORDERED.

A handwritten signature in black ink, reading "David G. Larimer", written over a horizontal line.

DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
May 10, 2022.

¹ Concerning the prognoses for restoration to competency, Magistrate Judge Payson noted that Young had previously been restored to competency through treatment after having been initially found incompetent in a prior proceeding in this Court.